

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

## AMENDMENTS

2004—Subsec. (b)(3). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

### § 2954. Information to committees of Congress on request

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Governmental Affairs of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 413; Pub. L. 103-437, § 3(b), Nov. 2, 1994, 108 Stat. 4581.)

## HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 105a.	May 29, 1928, ch. 901, § 2, 45 Stat. 996.

The words “Executive agency” are substituted for “executive department and independent establishment” in view of the definition of “Executive agency” in section 105.

The words “Committee on Government Operations of the House of Representatives” are substituted for “Committee on Expenditures in the Executive Departments of the House of Representatives” on authority of H. Res. 647 of the 82d Congress, adopted July 3, 1952.

The words “Committee on Government Operations of the Senate” are substituted for “Committee on Expenditures in the Executive Departments of the Senate” on authority of S. Res. 280 of the 82d Congress, adopted Mar. 3, 1952.

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## AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Governmental Affairs of the Senate” for “Committee on Government Operations of the Senate”.

## CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Operations of House of Representatives treated as referring to Committee on Government Reform and Oversight of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note under section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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## AMENDMENTS

2010—Pub. L. 111-203, title IX, § 929G(b), July 21, 2010, 124 Stat. 1856, added item 3114 and struck out former item 3114 “Appointment of accountants, economists, and examiners by the Securities and Exchange Commission”.

2003—Pub. L. 108-44, § 2(b), July 3, 2003, 117 Stat. 843, added item 3114.

2000—Pub. L. 106-398, § 1 [[div. A], title XI, § 1101(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-310, added subchapter IV heading and item 3161.

1997—Pub. L. 105-61, title VI, § 638(b), Oct. 10, 1997, 111 Stat. 1317, added item 3113.

1995—Pub. L. 104-66, title II, § 2181(a)(2), Dec. 21, 1995, 109 Stat. 732, struck out item 3135 “Biennial report”.

1988—Pub. L. 100-325, § 1(b), May 30, 1988, 102 Stat. 581, added subchapter III heading and items 3151 and 3152.

1980—Pub. L. 96-523, § 1(b), Dec. 12, 1980, 94 Stat. 3040, substituted “personal assistants for handicapped em-

<sup>1</sup> So in original. Does not conform to section catchline.

ployees, including blind and” for “reading assistants for blind employees and interpreting assistants for” in item 3102.

1978—Pub. L. 95-454, title III, §§301(b), 302(b)(1), 307(b)(3), title IV, §402(c), Oct. 13, 1978, 92 Stat. 1145, 1146, 1148, 1160, added heading for subchapter I, substituted “reading assistants for blind employees and interpreting assistants for deaf employees” for “readers for blind employees” in item 3102, and added items 3111, 3112, heading for subchapter II, and items 3131 to 3136.

Pub. L. 95-251, §2(c)(2), Mar. 27, 1978, 92 Stat. 184, substituted “administrative law judges” for “hearing examiners” in item 3105.

1967—Pub. L. 90-206, title II, §221(b), Dec. 16, 1967, 81 Stat. 640, added item 3110.

## SUBCHAPTER I—EMPLOYMENT AUTHORITIES

### AMENDMENTS

1979—Pub. L. 96-54, §2(a)(10), Aug. 14, 1979, 93 Stat. 381, added heading for subchapter I.

### § 3101. General authority to employ

Each Executive agency, military department, and the government of the District of Columbia may employ such number of employees of the various classes recognized by chapter 51 of this title as Congress may appropriate for from year to year.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 414.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 43.	R.S. §169. June 26, 1930, ch. 618, 46 Stat. 817.
.....	5 U.S.C. 514d (2d par.).	Sept. 21, 1944, ch. 412, §709, 58 Stat. 743.

The authorization is restated to conform to the style of this title. The word “Executive agency” are substituted for “executive department, independent establishment” in view of the definitions in sections 103, 104, and 105. The source statute (an act to authorize the appointment of employees in the executive branch etc.) applied to the entire executive branch, and government corporations as well as other agencies in the executive branch were included within the words “independent establishment”. The words “or a military department” are inserted to preserve the application of the source statute. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source statute for this subsection, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser’s note for section 301. The words “for services in the District of Columbia or elsewhere” are eliminated as surplusage. The reference to chapter 51 is substituted for the reference to the Classification Act of 1923 because the Act of Oct. 28, 1949, ch. 782, §1106(a), 63 Stat. 972, amended the section to refer to the Classification Act of 1949, which is carried into this title. The proviso in former section 43 and former section 514d (2d par.) are omitted as superseded by former section 22a, which is carried into section 302. The last sentence of the Act of June 26, 1930, is omitted as executed.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, §201(d), as added Aug. 10, 1949, ch. 412, §4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides “Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense” is omitted from this title but is not repealed.

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#### REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS

Pub. L. 103-226, §5, Mar. 30, 1994, 108 Stat. 115, as amended by Pub. L. 103-329, title VI, §631, Sept. 30, 1994, 108 Stat. 2424; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

“(a) DEFINITION.—For the purpose of this section, the term ‘agency’ means an Executive agency (as defined by section 105 of title 5, United States Code), but does not include the Government Accountability Office.

“(b) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

- “(1) 2,084,600 during fiscal year 1994;
- “(2) 2,043,300 during fiscal year 1995;
- “(3) 2,003,300 during fiscal year 1996;
- “(4) 1,963,300 during fiscal year 1997;
- “(5) 1,922,300 during fiscal year 1998; and
- “(6) 1,882,300 during fiscal year 1999.

“(c) MONITORING AND NOTIFICATION.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

“(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

“(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

“(d) COMPLIANCE.—If, at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

“(e) WAIVER.—

“(1) EMERGENCIES.—Any provision of this section may be waived upon a determination by the President that—

“(A) the existence of a state of war or other national security concern so requires; or

“(B) the existence of an extraordinary emergency threatening life, health, safety, property, or the environment so requires.

“(2) AGENCY EFFICIENCY OR CRITICAL MISSION.—

“(A) Subsection (d) may be waived, in the case of a particular position or category of positions in an agency, upon a determination of the President that the efficiency of the agency or the performance of a critical agency mission so requires.

“(B) Whenever the President grants a waiver pursuant to subparagraph (A), the President shall take all necessary actions to ensure that the overall limitations set forth in subsection (b) are not exceeded.

“(f) EMPLOYMENT BACKFILL PREVENTION.—

“(1) IN GENERAL.—The total number of funded employee positions in all agencies (excluding the Department of Defense and the Central Intelligence Agency) shall be reduced by one position for each vacancy created by the separation of any employee who